

1 THE HONORABLE BENJAMIN H. SETTLE
2
3
4
5
6
7

8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
10 AT TACOMA

11 LUMENTUM OPERATIONS LLC,

12 Plaintiff,

13 v.

14 nLIGHT, INC.; DAHV KLINER; and
15 ROGER L. FARROW,

Defendants.

16 NO. 3:22-CV-05186-BHS

17 **STIPULATED MOTION AND ORDER
18 TO MODIFY SCHEDULING ORDER**

19 **NOTE ON MOTION CALENDAR:
20 FRIDAY, MARCH 5, 2024**

21 **STIPULATED MOTION**

22 Pursuant to LCR 16(b)(6), Plaintiff Lumentum Operations LLC (“Lumentum”) and
23 Defendants nLIGHT, Inc. (“nLIGHT”), Dahv Kliner (“Kliner”), and Roger L. Farrow
24 (“Farrow”) (collectively, the “Parties”), by and through the undersigned counsel, hereby
25 respectfully submit this Stipulated Motion to Modify the Scheduling Order (Dkt. 47).

26 Since the Court issued the Scheduling Order, the Parties have completed claim
27 construction, served discovery and produced documents, conducted one deposition with
additional depositions scheduled, and met-and-conferred on discovery disputes. Recently, the
undersigned lead counsel for both parties have experienced unexpected parental care
emergencies that have required travel and will likely require additional travel in the coming
months. In light of the approaching pre-trial deadlines and the need to conduct further discovery
and take additional depositions in advance of expert disclosures, the Parties agree that good
STIPULATED MOTION AND ORDER TO MODIFY SCHEDULING FAEGRE DRINKER BIDDLE & REATH LLP
ORDER - 1 1144 15TH ST. #3400
DENVER, CO 80202
(303) 607-3500

1 cause exists to slightly modify the Scheduling Order as set forth below. This request only seeks
 2 to modify the first four pre-trial dates while keeping the trial date and remaining pre-trial dates
 3 the same:

Event	Current Date	Revised Date
Expert Witness Disclosure/Reports Deadline	April 8, 2024	April 29, 2024
Rebuttal Expert Disclosure/Reports Deadline	May 8, 2024	June 5, 2024
Motions Deadline	May 20, 2024	June 10, 2024
Discovery Deadline	June 17, 2024	July 1, 2024
Dispositive Motions Deadline	July 17, 2024	July 17, 2024
Motions in Limine Deadline	September 9, 2024	September 16, 2024
Pretrial Order Deadline	September 23, 2024	September 23, 2024
Voire Dire, Jury Instruction, Trial Brief, and Agreed Neutral Statement of the Case, and Deposition Designations Deadline	September 24, 2024	September 24, 2024
Pretrial Conference	September 30, 2024, at 3:00 PM	September 30, 2024, at 3:00 PM
Seven Day Jury Trial set to commence	October 15, 2024, at 9:00 AM	October 15, 2024, at 9:00 AM

19 For the foregoing reasons, the Parties respectfully request that the Court modify the
 20 Scheduling Order as set forth above. A proposed Order is submitted herewith.

21 IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

22 DATED this 5th day of March, 2024.

23 FAEGRE DRINKER BIDDLE & REATH LLP

24 By: s/ Joel D. Sayres
 25 Joel D. Sayres
 26 Shelby Pickar-Dennis
 27 1144 15th Street, Suite 3400
 Denver, CO 80202

STIPULATED MOTION AND ORDER TO MODIFY SCHEDULING FAEGRE DRINKER BIDDLE & REATH LLP
 ORDER - 2 1144 15TH ST. #3400
 DENVER, CO 80202

1 Telephone: (303) 607-3500
2 Joel.Sayres@FaegreDrinker.com
3 Shelby.Pickar-Dennis@FaegreDrinker.com

4 David J.F. Gross
5 Braden M. Katterheinrich
6 Johnathon E. Webb
7 Doowon R. Chung
8 2200 Wells Fargo Center
9 90 S. 7th Street, Suite 2300
10 Minneapolis, MN 55402
11 Telephone: (612) 766-7000
12 David.Gross@FaegreDrinker.com
13 Braden.Katterheinrich@FaegreDrinker.com
14 Johnathon.Webb@FaegreDrinker.com
15 Doowon.Chung@FaegreDrinker.com

16 Zachary D. Wawrzyniakowski
17 320 South Canal Street, Suite 3300
18 Chicago, IL 60606-5707
19 Telephone: (312) 569-1000
20 Zachary.Wawrzyniakowski@FaegreDrinker.com

21 CORR|DOWNS PLLC

22 Joseph P. Corr, WSBA No. 36584
23 100 W Harrison St, Suite N440
24 Seattle, WA 98119
25 Telephone: 206.962.5040
26 ghoog@corrdowns.com
27 jcorr@corrdowns.com

28 *Attorneys for Plaintiff Lumentum Operations LLC*

29 STIPULATED MOTION AND ORDER TO MODIFY SCHEDULING FAEGRE DRINKER BIDDLE & REATH LLP
30 ORDER - 3 1144 15TH ST. #3400
31 DENVER, CO 80202
32 (303) 607-3500

1 WILEY REIN LLP

2 By: s/ Scott A. Felder

3 Scott A. Felder (*Pro Hac Vice*)
4 Wesley E. Weeks (*Pro Hac Vice*)
5 2050 M Street NW
6 Washington, DC 20036
7 Tel: (202) 719-7000
8 sfelder@wiley.law
9 wweeks@wiley.law

10 HARRIGAN LEYH FARMER & THOMSEN
11 LLP

12 Tyler L. Farmer, WSBA No. 39912
13 Elisabeth Read, WSBA No. 59762
14 999 Third Avenue, Suite 4400
15 Seattle, WA 98104
16 Tel: (206) 623-1700
17 tylerf@harriganleyh.com
18 elisabeth.read@harriganleyn.com

19
20 *Attorneys for Defendants nLIGHT, Inc., Dahv Kliner*
21 *and Roger L. Farrow*

22 STIPULATED MOTION AND ORDER TO MODIFY SCHEDULING FAEGRE DRINKER BIDDLE & REATH LLP
23 ORDER - 4 1144 15th ST. #3400
24 DENVER, CO 80202
25 (303) 607-3500

ORDER

This matter, having come before the Court on the above stipulation, it is hereby
ORDERED THAT:

Relief is granted to extend the following deadlines:

Event	Current Date	Revised Date
Expert Witness Disclosure/Reports Deadline	April 8, 2024	April 29, 2024
Rebuttal Expert Disclosure/Reports Deadline	May 8, 2024	June 5, 2024
Motions Deadline	May 20, 2024	June 10, 2024
Discovery Deadline	June 17, 2024	July 1, 2024

Pursuant to the above Stipulation, the trial date and all other pre-trial deadlines shall remain the same.

IT IS SO ORDERED.

Dated this 6th day of March, 2024.



BENJAMIN H. SETTLE
United States District Judge

Presented by:

FAEGRE DRINKER BIDDLE & REATH LLP

By: *s/Joel D. Savres*

Joel D. Savres

Shelby Pickar-Dennis

1144 15th Street, Suite 3400

1111 E 16th Street,
Denver, CO 80202

STIPULATED MOTION AND ORDER TO MODIFY SCHEDULING FAEGRE DRINKER BIDDLE & REATH LLP
ORDER 1144 15TH ST. #3400

Case No. 3:22-cv-05186-BHS

FAEGRE DRINKER B
1144 15TH ST. #3400
DENVER, CO 80202
(303) 607-3500

1 Telephone: (303) 607-3500
2 Joel.Sayres@FaegreDrinker.com
3 Shelby.Pickar-Dennis@FaegreDrinker.com

4 David J.F. Gross
5 Braden M. Katterheinrich
6 Johnathon E. Webb
7 Doowon R. Chung
8 2200 Wells Fargo Center
9 90 S. 7th Street, Suite 2300
10 Minneapolis, MN 55402
11 Telephone: (612) 766-7000
12 David.Gross@FaegreDrinker.com
13 Braden.Katterheinrich@FaegreDrinker.com
14 Johnathon.Webb@FaegreDrinker.com
15 Doowon.Chung@FaegreDrinker.com

16 Zachary D. Wawrzyniakowski
17 320 South Canal Street, Suite 3300
18 Chicago, IL 60606-5707
19 Telephone: (312) 569-1000
20 Zachary.Wawrzyniakowski@FaegreDrinker.com

21 CORR|DOWNS PLLC

22 Joseph P. Corr, WSBA No. 36584
23 100 W Harrison St, Suite N440
24 Seattle, WA 98119
25 Telephone: 206.962.5040
26 ghoog@corrdowns.com
27 jcorr@corrdowns.com

28 *Attorneys for Plaintiff Lumentum Operations LLC*

1 WILEY REIN LLP

2 By: s/ Scott A. Felder

3 Scott A. Felder (*Pro Hac Vice*)
4 Wesley E. Weeks (*Pro Hac Vice*)
5 2050 M Street NW
6 Washington, DC 20036
7 Tel: (202) 719-7000
8 sfelder@wiley.law
9 wweeks@wiley.law

10 HARRIGAN LEYH FARMER & THOMSEN
11 LLP

12 Tyler L. Farmer, WSBA No. 39912
13 Elisabeth Read, WSBA No. 59762
14 999 Third Avenue, Suite 4400
15 Seattle, WA 98104
16 Tel: (206) 623-1700
17 tylerf@harriganleyh.com
18 elisabeth.read@harriganleyn.com

19 *Attorneys for Defendants nLIGHT, Inc., Dahv Kliner*
20 *and Roger L. Farrow*